



PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: A8519

William J. BAER, et al.

Appln. No.: 09/488,971

Group Art Unit: 2176

Confirmation No.: 5172

Examiner: William L. BASHORE

Filed: January 21, 2000

For: METHOD AND SYSTEM FOR MOVING CONTENT IN A CONTENT OBJECT
STORED IN A DATA REPOSITORY

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits
this Reply Brief in response to the Examiner's Answer dated January 10, 2006. Entry of this
Reply Brief is respectfully requested.

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STATUS OF CLAIMS

The status of the claims remain unchanged as set forth in the Appeal Brief filed October 17, 2005.

Claims 1-43 are pending in the present application and stand rejected.

The rejection of claims 1-43 are being appealed.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-27 and 40-43 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over ezWriter 2.0 for Windows, August 5, 1998 by Lance Vaughn, Atlanta, IN, downloaded from <http://www.winsite.com> on 6/22/2003, application screenshots pages 1-15 (hereinafter “eZWriter”), in view of Bromberg et al. (U.S. Patent No. 6,529,889; hereinafter “Bromberg”).

Claims 28-39 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over ezWriter and Bromberg and further in view of Poole et al. (U.S. Patent No. 6,006,242; hereinafter “Poole”).

ARGUMENT

Appellant now responds to the new points raised by the Examiner in his Answer.

In rejecting the claims of the present application, the Examiner asserts that it would have been obvious for a person of ordinary skill in the art to have modified the teachings of the ezWriter article based on the Bromberg reference and that such a combination would include all of the claimed limitations.

The Examiner resorts to impermissible hindsight, using Appellant's application as a template to cobble together a rejection based on two disparate references. Not only does the Examiner reply on non-analogous references that have completely different purposes, but the Examiner disregards ezWriter's purpose of avoiding "the cumbersome environment of full-blow word processors" by adding complexities from Bromberg. See ezWriter at page 3 "What's so cool about ezWriter?"

ezWriter is directed to a simple method of storing and organizing data. ezWriter was created to help writers organize outlines, notes and chapters. Information is entered in a Rich Text Format which is a simple and universal format for data entry. Information entered by a user is organized in an outline form. The hierarchy of the information in the outline is organized according to the number of periods before the information. Any entry with only one preceding period resides at the top level. All entries must have at least one period in front of the entry which is used to indicate its location in the outline. To create a child entry of another entry, just add the entry beneath the particular entry with one extra period. See ezWriter at page 8.

- .A Parent Entry
- ..A Child of That Entry
- ..Another Child of That Entry

On the other hand, Bromberg is directed to a more complicated system of data storage. Bromberg is directed to a system and method for organizing expert knowledge content. A goal of Bromberg is to organize information which is known by experts so that other professionals who are working on the same issues can refer to the expert knowledge stored in the system. See Bromberg col. 1, lines 20-30. Therefore, in Bromberg, information is organized according to topics and questions and information entered by various users are controlled so as to be consistent with each other. See col. 4, lines 52-60. The information provided by professionals is organized by a specialized software application (SSA) using Accapella Designer. See col. 10, lines 31-45. The Accapella Designer converts information entered by a user into a format that can be presented on the Accapella interface. See col. 11, lines 55 to 64.

Bromberg further discloses grouping information in containers which include different level types such as section, subsection, topic group, question groups, and questions. Each successive level is a child of the level that comes before it. There are rules governing the hierarchical relationship between the information in the containers. Each time a level is added, copied, or moved, a hierarchical rules table is consulted to see if a level can be a child or a parent of the target level. See col. 17, lines 25-40.

Therefore, based on the foregoing description of ezWriter and Bromberg, it would not have been obvious to one of skill in the art to discard the simple period organization system used

in ezWriter and replace that simple system with the complex hierarchical rules tables of Bromberg.

A. The combination of the parent and child container types of Bromberg with ezWriter is not obvious

In response to Appellant's arguments that it would not have been obvious at the time of the invention to modify the ezWriter to use the parent and child container types instead of the .rtf files disclosed in ezWriter, the Examiner asserts that the Appellant has not explained in detail why the two references are different. However, as discussed above, the system of ezWriter uses a very simple system of periods to hierarchically organize content. On the other hand, Bromberg employs an Acappella Designer which incorporates hierarchical rules in order to organize content.

B. Modifying ezWriter to incorporate the teachings of Bromberg would destroy the principle of operation of ezWriter

ezWriter employs a simple structure using periods to hierarchically organize content. As discussed above, Bromberg employs a more complicated Acappella Design system employing hierarchical rules. Modifying ezWriter to incorporate the complex rules of Bromberg would modify the simple and streamlined environment desired by ezWriter and would undermine the simple operations desired in ezWriter.

C. There is no motivation to combine the set wide changes of Bromberg with ezWrtier

As discussed above, ezWriter uses a simple system of periods to organize Rich Text Format files. There is no teaching or suggestion to employ a roll up feature as discussed in Bromberg.

D. The combination of the containers of Bromberg with the .rtf files of ezWriter is not obvious

Bromberg is directed to organizing expert knowledge information. ezWriter is not concerned with the storage of expert information but rather is a utility program for “organizing outlines, chapters, notes, etc.” See ezWriter at the top of page 2. Therefore, it would not be obvious to modify ezWriter to incorporate the questions and answers for organized expert information as taught in Bromberg.

E. The combination of ezWriter and Bromberg do not teach a second list of content entity identifiers

The Examiner asserts that page 9 of ezWriter discloses a tree comprising a first list (“Introduction” and “What is Rich Text Format”) and a second list (“Planned Improvements” and “How to Request Improvements”). However, it would be apparent to one of ordinary skill in the art that the list cited by the Examiner is merely one list (outline). Page 10 then illustrates the structure of that single list when content is reorganized. There is no teaching or suggestion of a second list.

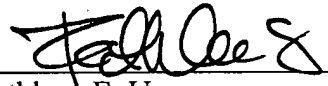
Based on the foregoing, Appellant submits that appealed claims 1-43 are not made obvious by the combination of ezWriter and Bromberg. In addition, Poole does not cure the deficiencies of ezWriter and Bromberg.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Applicant believes that no fees are necessary. However, in the event that is in error, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

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